

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LLOYD MICHAEL BLAIR,

Petitioner,

V.

SHERMAN CAMPBELL,

Respondent,

Case No. 20-10470

Hon. Thomas L. Ludington

United States District Judge

**OPINION AND ORDER TRANSFERRING SUCCESSIVE PETITION FOR WRIT OF
HABEAS CORPUS TO UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT**

Petitioner, Lloyd Michael Blair, confined at the Gus Harrison Correctional Facility in Adrian, Michigan, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges his 2010 conviction out of the Oakland County Circuit Court for second-degree murder, felon in possession of a firearm, carrying a concealed weapon, and two counts of possession of a firearm in the commission of a felony. The present petition constitutes a “second or successive petition” within the meaning of 28 U.S.C. § 2244(b)(3). The Court transfers the matter to the Court of Appeals so that Petitioner may obtain permission to proceed.

I.

Petitioner previously filed a petition for writ of habeas corpus challenging this conviction, which was denied. *See Blair v. Palmer*, No. 2:13-cv-10758 (E.D. Mich. Apr. 30, 2014); *app. disp.* No. 14-1785 (6th Cir. Sept. 23, 2014); *cert. den.* 135 S. Ct. 1496 (2015). Petitioner again seeks habeas relief from his 2010 conviction.

II.

Petitioner already filed a prior petition for a writ of habeas corpus challenging his conviction. A prisoner who wishes to file a second or successive habeas petition must first ask the court of appeals for an order authorizing the district court to adjudicate the petition. *See* 28 U.S.C. § 2244(b)(3)(A); *Stewart v. Martinez-Villareal*, 523 U.S. 637, 641 (1998). When a habeas petitioner files a second or successive petition for habeas corpus relief in the district court without first obtaining permission to do so from the court of appeals, the district court must transfer the petition to the court of appeals pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Clerk of Court is **ORDERED** to transfer the habeas petition to the United States Court of Appeals for the Sixth Circuit pursuant to *Sims* and 28 U.S.C. § 1631. *See Galka v. Caruso*, 599 F. Supp. 2d 854, 857 (E.D. Mich. 2009).

Dated: March 6, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon **Lloyd Blair #501643**, GUS HARRISON CORRECTIONAL FACILITY, 2727 E. BEECHER STREET, ADRIAN, MI 49221 by first class U.S. mail on March 6, 2020.

s/Kelly Winslow
KELLY WINSLOW, Case Manager